

CLEAN AIR ACT FINAL STATEMENT OF CONFORMITY

For Permit Application No. 2001-01360-J2

By The Port Authority of New York & New Jersey

Based on the emissions analysis submitted by the applicant in support of the subject permit application, I have determined that the work proposed in the subject permit application can meet General Conformity provided that the impacts generated as a result of dredging and dredged material management activities are offset through the measures outlined in this statement during construction of the project.

The Corps of Engineers, New York District (NYD) will require as conditions to any issued Department of the Army permit, the complete offset of emissions generated as a result of the construction of the subject project. The mitigation required to offset project-specific emissions includes the purchase of credits to account for nitrogen oxide (NOx) emissions in 2002 and the repowering of 2 tugboats (four engines total) in accordance with the NJDEP Waterfront Development Permit/Water Quality Certificate issued July 31, 2002, Permit No. 0000-92-0031.17. The applicant has provided a letter committing to this mitigation and has outlined a schedule for implementation of the mitigation plan. The NYD will require the following schedule for implementing the mitigation plan described above:

Purchase Credits:

Solicitation for purchase of NJ NOx shutdown credits: 15 August 2002

Completion of credit purchase: 29 November 2002

Repower 2 Tugboats:

Finalize criteria for vessel repower: 1 October 2002

Select candidate vessels: 31 January 2003

Complete engine repower: 31 December 2003

In summary, conformity for NOx will be achieved through offsetting of the project's emissions. Compensation will occur through the purchase of credits for emissions generated in 2002 and the repowering of 2 tugboats for emissions generated in 2003. I have determined that this project can meet General Conformity provided that the impacts generated as result of dredging and dredged material management activities are offset through the measures described above.

8/12 /2002

DATE

Richard L. Tomer

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Acting Chief, Regulatory Branch